

Affected Agency Notified: Yes
Emergency Required: No
Budget Adjust. Required: No
Board Rec. Required: Yes
Public Hearing: April 19, 2010
Sponsor:
Date: March 3, 2010

EXPLANATION TO COUNCIL BILL NO. 2010 -

ORIGINATING DEPARTMENT: Planning and Development

PURPOSE: To rezone approximately 2 acres, generally located at 3410 S Campbell, from a Planned Development District Number 216, First Amendment, to a HC, Highway Commercial Zoning District.

ZONING CASE NUMBER Z-09-2010

BACKGROUND INFORMATION:

This is a request to rezone approximately 7.05 acres from Planned Development 216, First Amendment, to a HC, Highway Commercial Zoning District, to allow for uses that are permitted within the HC, Highway Commercial Zoning District.

STAFF COMMENTS:

1. The current PD allows for all General Retail District uses plus New and Used Car Sales, service and repair. However, the PD restricts the use of the site for other uses in the future that are compatible with uses in the adjacent and neighboring properties. Some of the neighboring properties are already zoned Highway Commercial District.
2. Access on Campbell Avenue will become median controlled as part of the 6 lane widening project which will restrict the properties access to Campbell to a right-in/right-out.
3. The requested change in zoning would not cause a significant increase in number of trips generated by these properties. No traffic study will be required.

RECOMMENDATIONS:

The Planning and Zoning Commission held a public hearing on April 1, 2010 and recommended , by a vote of to , of the proposed rezoning on the tract of land described on the attached sheet (see the attached Record of Proceedings). If approved, the regulations and standards for Conditional Overlay District #26 (as attached) shall apply.

The Planning and Development staff recommends **approval** of the proposed rezoning (see the attached Zoning and Subdivision Report).

FINDINGS FOR A STAFF RECOMMENDATION:

1. The proposed uses permitted in the Highway Commercial District are consistent with existing neighboring uses.

CONDITIONS:

If approved, the new zoning is not effective until:

1. Additional right-of-way is required to be dedicated along Campbell Avenue, which requires 50 feet of right of way measured from centerline.
2. Additional right of way is required to be dedicated along Walnut Long Street, which requires 30 feet of right of way measured from centerline.
3. Additional right of way is required at the intersection of Campbell Avenue and Walnut Lawn Street for intersection improvements.

If these conditions are not completed within ninety (90) days from City Council's approval, then that approval is null and void and the zoning will remain Planned Development District 216, First Amendment.

Submitted by:

Michael KMACPHERSON

Planning and Development

Approved by:

City Manager

EXHIBIT A
LEGAL DESCRIPTION
ZONING CASE Z-09-2010

Property description:

All of Lot 1, Youngblood Plaza, a recorded subdivision in the City of Springfield, Greene County, Missouri, and the following tract of land; COMMENCING at the Northwest corner of Section 12, Township 28 North, Range 22 West; THENCE South 51.46 feet to a point for corner; THENCE East 60.00 feet to the Easterly right-of-way line of Campbell Avenue to a point for corner, said corner being the Northwest corner of Lot 1, Youngblood Plaza; THENCE South 03 degrees 26 minutes 05 seconds West along said East right-of-way-line, a distance of 132.51 feet to the POINT OF BEGINNING; THENCE South 88 degrees 47 minutes 43 seconds East a distance of 151.07 feet to an existing 1/2" iron pin for a point for corner; THENCE South 03 degrees 42 minutes 16 seconds West a distance of 143.04 feet to an existing 1/2" iron pin for a point for corner, said corner being on the North line of O'Reilly Subdivision; THENCE North 87 degrees 26 minutes 00 seconds West a distance of 150.64 feet to a point for corner, said corner being on said East right-of-way line; THENCE North 03 degrees 19 minutes 57 seconds East along said East right-of-way line a distance of 139.40 feet to the POINT OF BEGINNING, all being in the City of Springfield, Greene County, Missouri.

EXHIBIT B
RECORD OF PROCEEDINGS

(To be attached prior to City Council)

Zoning & Su division Report

Planning & Development - 417/864-1611

840 Boonville - Springfield, Missouri 65801

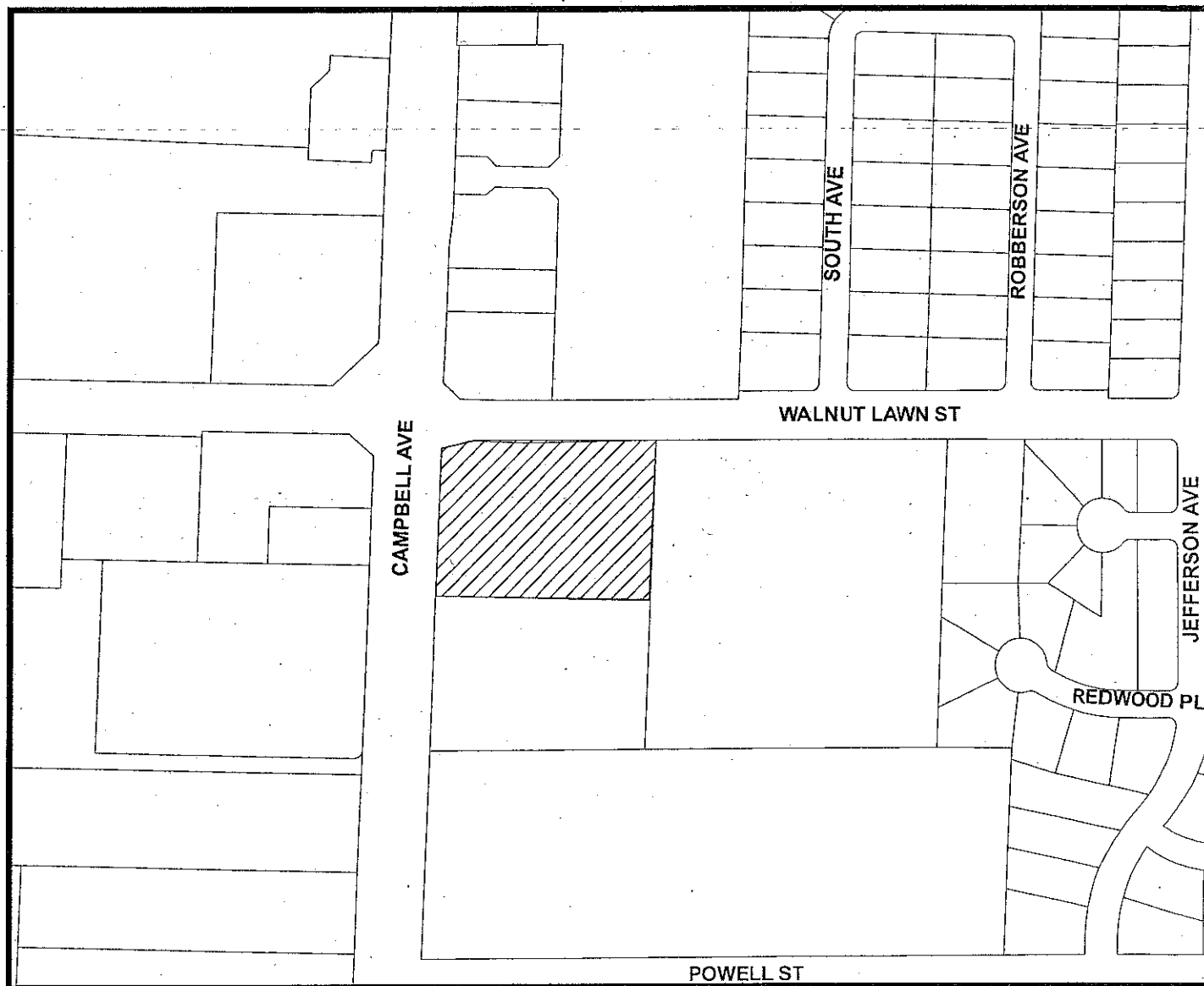
Zoning Case Number Z-09-2010

Location: 3410 South Campbell Avenue

Current Zoning: Planned Development 216, 1st Amendment

Proposed Zoning: HC, Highway Commercial

LOCATION SKETCH



- Area of Proposal



1 inch = 300 feet

ATTACHMENT 1
BACKGROUND REPORT
ZONING CASE Z-09-2010

DATE: March 3, 2010

LOCATION: 3410 S. Campbell

APPLICANT: Westport Management, LLC.

TRACT SIZE: Approximately 2 acres

EXISTING USE: Car Dealership

PROPOSED USE: Development as permitted in the HC, Highway Commercial Zoning District.

SURROUNDING LAND USES:

AREA	ZONING	LAND USE
North	GR	Retail sales, restaurant
East	PD	Fitness Facility
South	GR and HC	Retail uses, car dealerships
West	GR	Convenience Store and retail uses

SANITARY SERVICES COMMENTS:

No problems with rezoning regarding public sewer.

BUILDING DEVELOPMENT SERVICES COMMENTS:

No BDS issues with rezoning to HC.

NEIGHBORHOOD MEETING:

Eight (8) property owners are within 185 feet of this site and have been notified of this action.

The applicant held a neighborhood meeting on March 9, 2010. A summary of the meeting is attached (Attachment 4).

STAFF COMMENTS:

1. The current PD allows for all General Retail District uses plus New and Used Car Sales, service and repair. However, the PD restricts the use of the site for other uses in the future that are compatible with uses in the adjacent and neighboring properties. Some of the neighboring properties are already zoned Highway Commercial District.
2. Campbell Avenue is classified as a primary arterial that requires 50 feet of right-of-way measured from centerline. Walnut Lawn Street is classified as a collector that requires 30 feet of right-of-way measured from centerline.
3. Future intersection improvements are being considered for the intersection of Walnut Lawn and Campbell Avenue as part of the larger widening project for Campbell Avenue. Additional right-of-way will be required at the intersection.
4. Note that access on Campbell Avenue will become median controlled as part of the 6 lane widening project which will restrict the properties access to Campbell to a right-in/right-out.
5. The requested change in zoning would not cause a significant increase in number of trips generated by these properties. No traffic study will be required.

FINDINGS FOR STAFF RECOMMENDATIONS:

1. The proposed uses permitted in the Highway Commercial District are consistent with existing neighboring uses.

FINDINGS FOR COMMISSION TO RECOMMEND DENIAL:

1. None.

RECOMMENDATION:

The request be **approved**

STAFF CONTACT PERSON:

Mike MacPherson
Principal Planner

EXHIBITS:

Exhibit A, Legal Description

Exhibit B, Record of Proceedings (to be provided prior to City Council)

ATTACHMENTS:

Attachment 1, Background Report

Attachment 2, Street System Report

Attachment 3, Drainage Report

Attachment 4, Neighborhood Meeting Summary

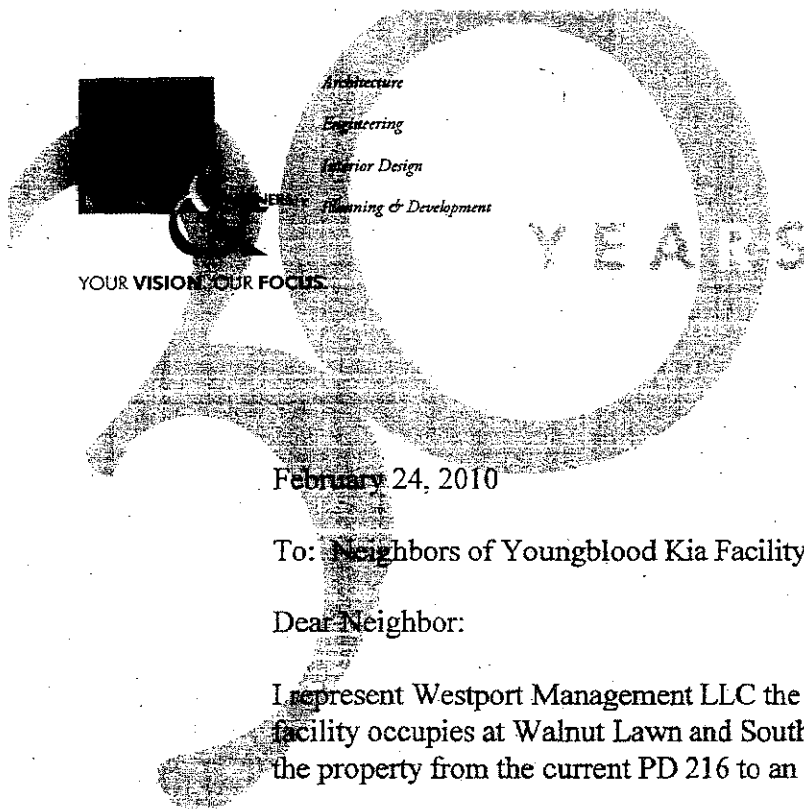
ATTACHMENT 2
STREET SYSTEM REPORT
ZONING CASE #Z-09-2010

TRAFFIC ENGINEER:

1. The request is to change zoning from PD 216 to HC.
2. Campbell Avenue is classified as a primary arterial that requires 50 feet of right-of-way measured from centerline. Walnut Lawn Street is classified as a collector that requires 30 feet of right-of-way measured from centerline.
3. Future intersection improvements are being considered for the intersection of Walnut Lawn and Campbell Avenue as part of the larger widening project for Campbell Avenue. Additional right-of-way will be required at the intersection.
4. Note that access on Campbell Avenue will become median controlled as part of the 6 lane widening project which will restrict the properties access to Campbell to a right-in/right-out.
5. The requested change in zoning would not cause a significant increase in number of trips generated by these properties. No traffic study will be required.

ATTACHMENT 3
DRAINAGE REPORT
ZONING CASE #Z-09-2010

1. Existing storm water detention exists on site but if any increase in impervious area, detention will have to be analyzed to verify it meets current standards.



Y2KS

February 24, 2010

To: Neighbors of Youngblood Kia Facility

Dear Neighbor:

I represent Westport Management LLC the owner of the land which the Youngblood Kia facility occupies at Walnut Lawn and South Campbell. They are applying for a rezoning of the property from the current PD 216 to an HC District.

The current PD allows for all General Retail District uses plus New and Used Car Sales, service and repair. This restricts the use of the site for other users in the future and the PD is burdensome due to the final Development Plan review process. The HC district is the same zoning as most properties in the area and is more suitable for this tract.

We will be holding a Neighborhood Meeting on March 9th between 4 and 6 PM at the Kia Showroom. At that Meeting I will be there and you can come by and visit with me about the zoning change and what it might mean relating to your property. You can come by anytime during that two hour period to visit.

I look forward to the opportunity to meet with you and discuss this zoning change. You can also call me if you want to discuss it and do not have time to come on the 9th.

Sincerely,

Butler, Rosenbury & Partners, Inc.


Geoffrey H. Butler AIA
President/CEO

Geoffrey H. Butler, AIA
President & CEO
Direct Line: 417.521.6106
Cellular: 417.848.6000
E-mail: butler@brpae.com

319 North Main, Suite 200
Springfield, Missouri 65806
Phone: 417.865.6100
Fax: 417.865.6102
www.brpae.com

500' neighborhood list

BRASHERS, MITCHELL G
3341 SOUTH AVE
SPRINGFIELD, MO 658074932

DON WESSEL OLDSMOBILE INC
3520 S CAMPBELL AVE
SPRINGFIELD, MO 658075104

ERICKSON, VIRGINIA KAY
3355 SOUTH AVE
SPRINGFIELD, MO 658074932

HARMATZ, LEO ETAL TR
PO BOX 3560
TOPEKA, KS 66601

KIMBALL, ROBERT H
3349 SOUTH AVE
SPRINGFIELD, MO 658074932

LOW, LESLIE
961 CAPE BUFFALO DR
SAN JOSE, CA 95133

MCCLAIN, IDA L
3354 SOUTH AVE
SPRINGFIELD, MO 658074933

MCLOUD-SHEID PROPERTIES LLC
1949 E SUNSHINE ST STE 1-2061
SPRINGFIELD, MO 658041616

MORRIS, JIM D ETAL TR
420 W WALNUT LAWN ST
SPRINGFIELD, MO 65807

OLSON, WILLIAM A
3364 SOUTH AVE
SPRINGFIELD, MO 658074933

O'REILLY INVESTMENT CO
PO BOX 1897
SPRINGFIELD, MO 658011897

ROETTO, KENNETH D
3365 SOUTH AVE
SPRINGFIELD, MO 658074932

SHAMBLIN, GARY F
3348 SOUTH AVE
SPRINGFIELD, MO 658074933

SIGNATURE BANK
4039 S KANSAS EXPY
SPRINGFIELD, MO 65807

SNAKE RIVER RENTAL LLC
1419 S ENTERPRISE AVE
SPRINGFIELD, MO 658041737

ST JOHN'S REGIONAL HEALTH
CENTER
1235 E CHEROKEE ST
SPRINGFIELD, MO 65804

STRUCKHOFF, RICHARD T
1321 E HANOVER ST
SPRINGFIELD, MO 65804

TIFFANY VILLAGE PARTNERSHIP
3465 S CAMPBELL AVE
SPRINGFIELD, MO 65807

WALMART RE BUS TR DAVID
GLASS TR
PO BOX 8050
BENTONVILLE, AR 727128050

WESTPORT MGT LLC
5744 S CASTLEBAY DR
SPRINGFIELD, MO 658094672

WESTPORT MGT LLC
3525 S CAMPBELL AVE
SPRINGFIELD, MO 65807

MacPherson, Mike

From: Neal, Daniel
Sent: Wednesday, March 10, 2010 8:37 AM
To: MacPherson, Mike
Subject: FW: Zoning Case PD 216 - HC
Attachments: Document.pdf

From: Geoffrey Butler [mailto:gbutler@brpae.com]
Sent: Wednesday, March 10, 2010 8:21 AM
To: MacPherson, Mike
Cc: Neal, Daniel
Subject: Zoning Case PD 216 - HC

I held a neighborhood meeting last night at the Kia Showroom at Campbell and Walnut Lawn on the proposed zoning change from PD 216 to HC. I was there from 4 pm to 6 pm.

The letter to the Neighbors is attached as well as the 500' list provided by the City.

I had two neighbors come by:

Mary Kimball
3348 South Avenue

Bill Olson
3364 South Ave

I visited with both (separately) and their questions and comments follow in italics with my response:

What is planned to go here? Nothing at this time, but there have been inquiries by potential buyers for uses not allowed in the PD (IE for a freestanding tire shop) and if Mr. Youngblood wanted to sell a part of the property for that use he would not be able to do it.

What is the difference between the PD and the HC zoning? Not much except that there are some uses allowed by HC that the PD does not allow or severely limits. I pointed out that most of the adjacent properties are already zoned HC and that this would bring this property into a similar zoning situation.

Why do this now? While Mr. Youngblood has not plans to change the use on this site or relocate the Kia Dealership, he wants to have the flexibility to make changes as the market dictates so this is more of a move to provide him the ability to manage his business in a timely manner rather than have to delay any changes pending a rezoning.

Neither of them had any problems with the current use on the site and after reviewing the HC list of uses they did not seem concerned that this would adversely affect them.

Geoffrey H. Butler
President/CEO

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